

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

(1) KAREN SPERLING, individually,     )  
and as Estate Representative of the     )  
ESTATE OF KENNETH SPERLING,         )  
deceased, and                             )

(2) SOLOMON PETRIE                     )  
KENNERMAN, an individual,            )

Plaintiffs,                             )

v.   )

(1) AAA FIRE & CASUALTY                )  
INSURANCE COMPANY, a foreign         )  
insurance company,                     )

Defendant.                             )

Case No. 12-CV-651-JHP-FHM

**NOTICE OF REMOVAL**

The Petitioner, AAA Fire & Casualty Insurance Company (“AAA”), Defendant in the above-captioned case, states the following:

1. The above-entitled cause was commenced in the District Court of Tulsa County, entitled Karen Sperling, individually, and as Estate Representative of the Estate of Kenneth Sperling, deceased, and Solomon Petrie Kennermen, an individual v. AAA Fire & Casualty Insurance Company (Case No. CJ-2012-03083). Pursuant to Court Order filed on August 7, 2012, the action was transferred to the District Court of Creek County (Sapulpa Division), State of Oklahoma, and given Case No. CJ-2012-366.

2. Process was served upon AAA by serving the Oklahoma Insurance Department by certified mail on November 5, 2012. A copy of the Petition setting forth Plaintiffs’ claim for relief

is attached hereto and marked Exhibit 1. A copy of the Summons served upon AAA is attached hereto and marked Exhibit 2.

3. AAA's principal place of business is in the State of Indiana, and it is incorporated in the State of Indiana. Plaintiffs are citizens and residents of the State of Oklahoma. (Petition, ¶ 1, Exhibit 1). The decedent, Kenneth Sperling, was a resident and citizen of Oklahoma at the time of his death. (Petition, ¶ 1, Exhibit 1). Plaintiffs' cause of action is for alleged breach of a homeowners insurance contract and alleged breach of the duty of good faith and fair dealing. Plaintiffs contend "[t]he value of the present cause of action exceeds the Federal Court jurisdictional value of Seventy-Five Thousand Dollars (\$75,000), as pled by these Plaintiffs." (*See* Plaintiffs' Petition, ¶ 8, Exhibit 1).

4. This Court has original jurisdiction over this case pursuant to 28 U.S.C. § 1332 (1992), by reason of the fact that this is a civil action wherein the amount in controversy, according to Plaintiffs' demands, exceeds Seventy-Five Thousand and No/100ths Dollars (\$75,000.00), exclusive of interest and costs and is between citizens of different states. Accordingly, this action may be removed by AAA pursuant to 28 U.S.C. § 1441(a).

5. This Notice of Removal is filed in this Court within thirty (30) days after November 5, 2012, the date AAA was served with a copy of Plaintiffs' Petition, which was the initial pleading setting forth the claim for relief upon which this action is based. (*See* Summons, Exhibit 2).

6. Copies of all process, pleadings, and Orders served upon Defendant, AAA, have been attached hereto as Exhibits 1 and 2. Pursuant to LCvR 81.2 copies of the state court docket sheets are attached as Exhibits 3 and 4, and other filings are attached as Exhibit 5.

**WHEREFORE**, Defendant, AAA prays that this action be removed.

Dated this 27<sup>th</sup> day of November, 2012.

Respectfully submitted,

**ATKINSON, HASKINS, NELLIS,  
BRITTINGHAM, GLADD & CARWILE**  
A PROFESSIONAL CORPORATION

\_\_\_\_\_/s/ Gregory D. Nellis\_\_\_\_\_  
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**CERTIFICATE OF SERVICE**

I hereby certify that on the 27<sup>th</sup> day of November, 2012, I electronically transmitted the attached document to the Clerk of the Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

Joseph F. Bufogle, Sr.  
2405 E. Skelly Drive  
Tulsa, OK 74105

\_\_\_\_\_/s/ Gregory D. Nellis\_\_\_\_\_  
\_\_\_\_\_

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